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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,708	09/24/1997	JEFFREY M. CLAAR	080398.P109	1031

7590

01/23/2003

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EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 01/23/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/936,708

Applicant(s)

CLAAR ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 23-49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The indicated allowability of claim 31 is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 23, 32, 40, and 47** is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold.

Regarding **claim 23, 32, 40, and 47**, a plurality of channels/track of plurality of audio modules. However, East fails to specifically disclose the capabilities of a first display portion and second display portion with the central control means, with control boxes corresponding to the plurality of audio modules (hereinafter referred to as "user interface capabilities"), and a third display portion. The examiner maintains that disclosing such user interface capabilities were well known in the art, as taught by Arnold.

Arnold discloses an electronic music instrument system with musical keyboard providing graphic user interface functions. Arnold's disclosure comprises various control screens, and/or a first and third display portion in relation to recording on multiple tracks via a plurality of musical instruments and/or other audio producing devices, and as well providing a play function of various devices. The second display portion is able of providing global and/or central command capabilities (figures 7, 15, and 17-18, and col. 2, lines 45-67, col. 16, lines 14-23, and

col. 23, lines 24-32, lines 50-52). However, Arnold fails to specifically disclose the control boxes corresponding to the plurality of audio modules. The examiner maintains that disclosing such user interface capabilities were well known in the art.

Regarding the plurality of control boxes corresponding the plurality of tracks/channels of an audio processing module, the examiner takes official notice of the fact that such control boxes were well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Arnold by providing a plurality of control boxes for the control the corresponding tracks/channels of the audio processing module for the purpose enabling a recording expert with selective control of the audio processors as desired for optimal performance and enhance audio recording outcome.

2. Claims 24-30, 33-39, 41-46, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold.

Regarding **claim 24**, Arnold discloses everything claimed as applied above (see claim 23). Arnold discloses a CPU (figure 2).

Regarding **claims 25-26**, Arnold discloses everything claimed as applied above (see claim 24). Arnold further teaches the claimed limitation of a recording button for transmitting a recording command to an audio processing module (col. 22, lines 28-34); global/central control commands (col. 23, lines 24-32, lines 50-52).

Regarding **claims 27-29**, Arnold discloses everything claimed as applied above (see claim 24). Arnold further discloses the capability of global command to multiple devices with multiple tracks which are indicative of play and stop.

Regarding **claim 30**, Arnold discloses everything claimed as applied above. The claimed limitation is rejected for the same reasons set forth in the rejection of claim 23.

Regarding **claims 33-39**, the claimed limitations are rejected for the same reasons set forth in the rejection of claims 24-29.

Regarding **claims 41-46**, Arnold discloses a user input subsystem that includes user interface devices such as a input controllers and mouse, etc (col. 5, lines 50-56 and col. 8, lines 52-57), wherein it is obvious that a keyboard may be used as well, which are indicative of a selection device for selecting one of the control boxes, such as keyboard, a mouse, and means of transmitting a control command.

Regarding **claims 48-49**, the claimed limitations are rejected for the same reasons set forth in claim 47.

Response to Arguments

3. The applicant did not present any arguments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

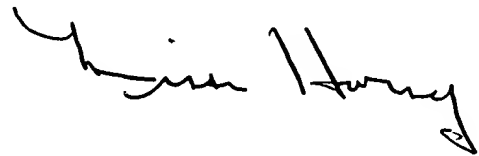
Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
January 13, 2003



**MINSUN OH HARVEY
PRIMARY EXAMINER**